



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: O'Neill, et al.

Serial No: 10/612,297

Filed: July 1, 2003

For: FLUORESCENT DIES, ENERGY
TRANSFER COUPLES AND METHODS

Group: Not yet known

Examiner: Not yet known

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**ELECTION UNDER 37 CFR 3.71 AND 3.73
AND POWER OF ATTORNEY BY ASSIGNEE**

The undersigned, being Assignee of record of an interest in the above-identified application, hereby elects under 37 CFR 3.71 to prosecute the application to the exclusion of the inventors. Pursuant to 37 CFR 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Guava Technologies, Inc. (copy attached), and certifies that to the best of the undersigned's knowledge and belief, title remains in the name of Assignee.

The assignee hereby appoints the following attorney to prosecute the above-identified application and transact all business with the U.S. Patent and Trademark Office connected therewith:

David A. Lowin, Registration No. 29,326

Direct all telephone calls to:

David A. Lowin
(650) 851-0980.

Address all written correspondence to:

David A. Lowin
P.O. Box 620535
Woodside, CA 94062-0535

Respectfully submitted,
GUAVA TECHNOLOGIES, INC.

Date: 12/8/03

By: [Signature]

Name: Phillipe Goix

Title: Founder & CTO

ASSIGNMENT

WHEREAS, We, **Roger O'Neill and Peter V. Fisher**, having the addresses indicated below, have invented certain subject matter entitled **"FLUORESCENT DYES, ENERGY TRANSFER COUPLES AND METHODS"** (the "Invention") for which We have executed application U.S. Serial No. **10/612,297**, filed **July 1, 2003** ("Attorney Docket No. 7159") for Letters Patent of the United States of America, claiming priority of co-pending provisional application U.S. Serial Nos. **60/393,338**, filed **July 1, 2002** and **60/422,621**, filed **October 30, 2002**;


AND WHEREAS, **GUAVA TECHNOLOGIES, INC.**, having an address at **25801 Industrial Boulevard, Hayward, California 94565** ("**GUAVA**") desires to perfect its right to the Invention and in the Letters Patent to be obtained therefor from the United States of America and all countries foreign thereto;

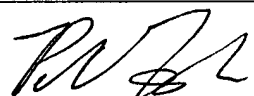
NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, We acknowledge **GUAVA's** interest in the Invention and hereby assign to **GUAVA** for the United States of America and for all countries foreign thereto, all our rights, title and interest, including all rights under the Paris Convention for the Protection of Industrial Property, in the Invention, as described and claimed in application Attorney Docket No. 7159, or in any provisional, continuation, division, reissue, reexamination or extension thereof and any legal equivalent thereof in a country foreign to the United States of America; the Invention, application and Letters Patent to be owned by **GUAVA**, its successors, assigns and legal representatives; to the full end of the term for which such Letters Patent may be granted.

PATENT
ATTORNEY DOCKET NO. 7159

This assignment is effective as of the earlier of: (a) the date of my signature hereto, or (b) the filing date accorded by the United States Patent and Trademark Office to application Serial No. 10/612,297, as indicated in the Filing Receipt for said application (and to the extent applicable, the priority date of co-pending provisional application U.S. Serial Nos. 60/393,338, filed July 1, 2002 and 60/422,621, filed October 30, 2002).

I have read and understand this Assignment document for application Serial No. 10/612,297 and agree hereto, as indicated by my signature as set forth below.

NAME OF INVENTOR:		ROGER O'NEILL
Residence:		San Carlos, CA US
Signature:		Date: 09/18/03

NAME OF INVENTOR:		PETER V. FISHER
Residence:		El Granada, CA US
Signature:		Date: 09/18/03